

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 622 of 1998

in

CIVIL APPLICATION No 4100 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER and
MR.JUSTICE A.L.DAVE

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

GUJARAT WATER RESOURCES DEVELOPMENT CORPORATION LTD.

Versus

VALJIBHAI MAGANLAL SALVI

Appearance:

MR PARESH UPADHYAY for Appellant

CORAM : MR.JUSTICE C.K.THAKKER and
MR.JUSTICE A.L.DAVE

Date of decision: 08/05/98

ORAL JUDGEMENT Per A.L.Dave,J.)

Admitted. The respondent party-in-person waives service of notice of admission.

Mr. Upadhyay while reiterating the grounds stated in the memo of appeal has submitted that the learned Single Judge has not taken into consideration the fact that there is no order of transfer produced by the appellant. He also contended that additional charge that is held by the respondent which has been protected by the order of the learned Single Judge is only an administrative arrangement and the learned Single Judge ought not to have given such protection, and therefore, the order of the learned Single Judge be quashed.

The respondent on the other hand has urged that injustice has been caused to him by the appellant-Corporation for a long time and he had to ask for every right of his by preferring number of petitions before this Court. He states that he is due to retire on 30th June, 1998 and if this protection is lifted the appellant would definitely push him away from his present posting to a remote place only out of vengeance and in order to harass because he has asserted his rights all throughout by preferring petitions. He stated further that he is entitled to promotion, his case has been considered and placed in a sealed envelope but the Corporation is not giving effect to the same and hurdles are created in the matter of his promotion and therefore the additional charge that he is holding of Executive Engineer may not be withdrawn from him. He alternatively submitted that if the Court is not inclined to protect his holding of the additional charge he may be permitted to proceed on leave.

We have taken into consideration all aspects of the matter and we are of the view that the order of the learned Single Judge qua protection of holding of additional charge of Executive Engineer needs to be interfered with. We, therefore, vacate that portion of the order of the learned Single Judge and respondent therefore shall handover the additional charge of Executive Engineer that he is holding forthwith. The statusquo directed by the learned Single Judge qua transfer shall continue. The appellant, if at all, is inclined to pass any order of transfer of the respondent, the same shall not be implemented without prior permission of this Court since Spl.C.A. no.1042/98 is still pending and since the respondent is due to retire on 30th June, 1998. It would be open to the respondent to apply for leave which may be available to him as per rules, in any case. It would not be out of place to note that these directions are given in the light of the peculiar facts and circumstances of this particular case.

The appeal stands disposed of accordingly with
the above directions. No order as to costs.

(C.K.Thakkar,J.)

(A.L.Davem,J.)

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